



May 22, 2008

Peter K. Vollers, Esq.  
Wright Reeves & Vollers  
One High Street  
Woodstock, VT 05091

Re: Jurisdictional Opinion #3-122  
Lalita Karoli, Densmore Hill Road, Woodstock

Hello Mr. Vollers:

This opinion is in response to your request, on behalf of Thomas and Sharon Lobrano, to ascertain whether activity that has occurred or occurs on the property of Lalita Karoli constitutes development that required or requires an Act 250 permit. It is my opinion that there has been no construction of improvements for commercial purpose that required or requires an Act 250 permit. This is based on the following:

### **Background**

1. Lalita Karoli owns a 23-acre tract of land located at 6506 Densmore Hill Road in Woodstock. The property was acquired in April 2000.
2. When Ms. Karoli acquired the property, the driveway and parking area was immediate to the house and too small for the family. On August 17, 2000, the Woodstock Selectboard approved a change in the driveway and additional parking space. This was not for commercial purposes.
3. Ms. Karoli's web site [[www.wildernessoftheheart.com](http://www.wildernessoftheheart.com)] indicates she offers various types of services such as pet care, retreats, yoga classes, and massage to the public. Massage is provided out of her office in Norwich. The "retreat cabin" on the property is not used commercially. The retreats are offered on property she owns in Nova Scotia. References to the "retreat cabin" at the Woodstock site have been removed from the web site.
4. On March 6, 2001, a zoning permit was issued by the Town of Woodstock allowing Ms. Karoli to offer yoga instruction on the premises. There was no construction for this use. The yoga instruction occurs in existing living space in the house.
5. On April 25, 2008, a zoning permit was issued to allow pet care on the premises. No construction occurred for this use. The existing fenced area and

screened deck and porch area were used for the family dog that passed away in November 2007. Ms. Karoli offers dog sitting for up to three dogs at a time, using the existing fenced areas. She also offers pet care at the pet guardian's residence.

6. Woodstock has not adopted both permanent zoning and subdivision bylaws.

### **Statute and Rules**

1. 10 V.S.A. § 6081 states in part that no person shall commence development without a permit.

2. 10 V.S.A. § 6001(3)(A)(ii) defines "development" in part as: the construction of improvements for commercial or industrial purposes on more than one acre of land within a municipality that has not adopted permanent zoning and subdivision bylaws.

3. Act 250 Rule 2(C)(3) defines "construction of improvements," in part, as any physical action on a project site which initiates development for any purpose enumerated in Rule 2(A) (definition of "development") except for the construction of improvements for a home occupation.

4. Act 250 Rule 2(C)(17) states that "home occupation," solely for purposes of Rule 2(C)(3), means the use, by a resident, of a minor portion of the residence, including ancillary buildings, for an occupation or business:

(a) that is customary in residential areas; and

(b) that does not have a potential for significant impact under the criteria of 10 V.S.A. Section 6086(a)(1) through (10) (the ten criteria that Act 250 addresses).

### **Discussion**

The services that Ms. Karoli offers did not and does not require construction of improvements for those services. The dog sitting and yoga instruction takes place in portions of the existing residence. No new structures were or will be constructed in order to provide these services.

It is not unusual for people to have multiple domestic pets, whether they are cats, dogs, rabbits, llamas, pigs, or hamsters. It is not uncommon that a person has three or more dogs under their care. Dog pens and runs are customary structures in residential areas.

In this case, though, it is not that the existing residence and property is used for what could be considered a "home occupation", but rather, that there has been no construction of improvements for commercial purpose.

## **Conclusion**

It is my opinion that there has been no construction of improvements for commercial purpose on the Karoli property, therefore, there has been no "development" that required or requires an Act 250 permit.

Do not hesitate to call me at 802-885-8843 if you have questions.

Sincerely,

Linda Matteson /s/

Linda Matteson  
District 3 Coordinator

cc: Certificate of Service

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3.

Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Drawer 20, Montpelier, VT 05620-3201, in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The Environmental Court mailing address is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701. (Tel: 802-828-1660)

